

SENATE BILL No. 398

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2; IC 12-9-5-3; IC 12-10.5.

Synopsis: Community lifespan respite care program. Establishes the state community lifespan respite care program and requires the division of disability, aging, and rehabilitative services to administer the program. Requires the division to: (1) approve the selection of community respite care providers; (2) contract with entities to provide respite care services; (3) provide administrative support to respite care programs; (4) distribute information concerning respite care; and (5) ensure statewide access to respite care. Sets certain requirements for community lifespan respite care programs. Requires the state and the office of the secretary of family and social services, for elderly and disabled citizens, to: (1) coordinate and implement programs that maximize self-care and independent living; (2) provide services that allow independent living without requiring institutionalization; and (3) expand existing services that provide assisted living.

Effective: July 1, 2002.

Simpson

January 10, 2002, read first time and referred to Committee on Rules and Legislative Procedure.



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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 398

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-7-2-24.6 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2002]: **Sec. 24.6. "Caretaker", for purposes of IC 12-10.5, has the**
4 **meaning set forth in IC 12-10.5-1-2.**

5 SECTION 2. IC 12-7-2-37.5 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2002]: **Sec. 37.5. "Community lifespan respite care program",**
8 **for purposes of IC 12-10.5, has the meaning set forth in**
9 **IC 12-10.5-1-3.**

10 SECTION 3. IC 12-7-2-69, AS AMENDED BY P.L.215-2001,
11 SECTION 26, AND AS AMENDED BY P.L.283-2001, SECTION 10,
12 IS AMENDED AND CORRECTED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2002]: Sec. 69. (a) "Division", except as
14 provided in subsections (b) and (c), refers to any of the following:

- 15 (1) The division of disability, aging, and rehabilitative services
16 established by IC 12-9-1-1.
17 (2) The division of family and children established by



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IC 12-13-1-1.

(3) The division of mental health *and addiction* established by IC 12-21-1-1.

(b) The term refers to the following:

(1) For purposes of the following statutes, the division of disability, aging, and rehabilitative services established by IC 12-9-1-1:

(A) IC 12-9.

(B) IC 12-10.

(C) **IC 12-10.5.**

~~(D)~~ IC 12-11.

~~(D)~~ **(E)** IC 12-12.

(2) For purposes of the following statutes, the division of family and children established by IC 12-13-1-1:

(A) IC 12-13.

(B) IC 12-14.

(C) IC 12-15.

(D) IC 12-16.

(E) *IC 12-16.1.*

~~(F)~~ IC 12-17.

~~(F)~~ *(G)* IC 12-17.2.

~~(G)~~ *(H)* IC 12-17.4.

~~(H)~~ *(I)* IC 12-18.

~~(I)~~ *(J)* IC 12-19.

~~(J)~~ *(K)* IC 12-20.

(3) For purposes of the following statutes, the division of mental health and addiction established by IC 12-21-1-1:

(A) IC 12-21.

(B) IC 12-22.

(C) IC 12-23.

(D) IC 12-25.

(c) With respect to a particular state institution, the term refers to the division whose director has administrative control of and responsibility for the state institution.

(d) For purposes of IC 12-24, IC 12-26, and IC 12-27, the term refers to the division whose director has administrative control of and responsibility for the appropriate state institution.

SECTION 4. IC 12-7-2-132.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 132.5. "Noncategorical care", for purposes of IC 12-10.5, has the meaning set forth in IC 12-10.5-1-4.**

SECTION 5. IC 12-7-2-180.1 IS ADDED TO THE INDIANA

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CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2002]: **Sec. 180.1. "Special needs", for
 purposes of IC 12-10.5, has the meaning set forth in IC 12-10.5-1-5.**

SECTION 6. IC 12-7-2-168, AS AMENDED BY P.L.272-1999,
 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2002]: Sec. 168. "Respite care" means the following:

(1) For purposes of IC 12-10-4 and IC 12-10-5, temporary care or
 supervision of an individual with Alzheimer's disease or a related
 senile dementia that is provided because the individual's family
 or caretaker is temporarily unable or unavailable to provide
 needed care.

**(2) For purposes of IC 12-10.5, temporary care or supervision
 of an individual with special needs that is provided to give the
 individual's family or caretaker short term relief from the
 demands of providing the necessary care.**

(3) For purposes of IC 12-22-1, the meaning set forth in
 IC 12-22-1-1.

SECTION 7. IC 12-9-5-3 IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2002]: Sec. 3. The division shall administer the
 following programs:

(1) Programs established under any of the following statutes:

(A) This article.

(B) IC 12-10.

(C) **IC 12-10.5.**

(D) IC 12-11.

~~(D)~~ **(E)** IC 12-12.

(2) Programs under the following statutes, to the extent the
 division has responsibilities for programs under those statutes:

(A) IC 12-24.

(B) IC 12-26.

(C) IC 12-27.

(D) IC 12-28.

(E) IC 12-29.

(F) IC 12-30.

(3) Supported employment for a person with developmental
 disabilities.

(4) Epilepsy service centers program.

(5) Epilepsy clinic program.

SECTION 8. IC 12-10.5 IS ADDED TO THE INDIANA CODE AS
 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 2002]:

ARTICLE 10.5. RESPITE CARE SERVICES



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Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Caretaker" means an individual who provides ongoing care for an individual with special needs.

Sec. 3. "Community lifespan respite care program" means a noncategorical respite care program that:

- (1) provides respite care services;
- (2) receives funding under this article;
- (3) serves an area of one (1) or more counties;
- (4) acts as a single local source of information and referral for respite care services;
- (5) facilitates access to respite care services; and
- (6) is operated by any of the following community based entities:

- (A) A private nonprofit organization.
- (B) A for-profit organization.
- (C) A public agency.

Sec. 4. "Noncategorical care" means care that is given without regard to the status, including the age or special needs, of the individual receiving the care.

Sec. 5. "Special needs" means any of the following conditions:

- (1) Alzheimer's disease or any related disorder.
- (2) Any developmental disorder.
- (3) Any physical disability.
- (4) A chronic illness.
- (5) A mental or emotional condition that requires supervision.
- (6) A situation in which a high risk of abuse or neglect exists.
- (7) Any other condition that the division determines by rule should be covered by this article.

Chapter 2. General Provisions

Sec. 1. The division of disability, aging, and rehabilitative services established by IC 12-9-1-1 shall administer the state community lifespan respite care program established under this chapter.

Sec. 2. The state community lifespan respite care program is established.

Sec. 3. Respite care services include the following:

- (1) Recruiting and screening paid and unpaid respite care providers.
- (2) Identifying local training resources and organizing training for respite care providers.



(3) Matching families and caretakers with respite care providers and respite care services.

(4) Assisting families and caretakers with accessing payment resources for respite care services.

(5) Identifying, developing, and coordinating community resources for respite care.

(6) Performing quality assurance and evaluation.

(7) Assisting families and caretakers in identifying:

(A) an individual's needs for respite care; and

(B) the resources available to the individual.

Sec. 4. (a) The division shall administer the program and do the following:

(1) Adopt rules under IC 4-22-2 for the coordination and administration of the program.

(2) Administer state money for the program.

(3) Develop and implement a process for the management and operation of the program locally through community lifespan respite care programs, based upon criteria developed by the division.

(4) Approve the selection of community respite care providers, based upon criteria developed by the division.

(5) Select or contract with agencies throughout the state to provide community lifespan respite care services.

(6) Provide policy and program development support, including data collection and outcome measures.

(7) Provide administrative support to community lifespan respite care programs.

(8) Develop and distribute information concerning community lifespan respite care programs.

(9) Coordinate and oversee the exchange of information among the community lifespan respite care programs.

(10) Monitor and evaluate the implementation of community lifespan respite care programs.

(11) Establish criteria and procedures for designating community lifespan respite care programs that will receive state funding in return for providing respite care services.

(12) Ensure statewide access to community lifespan respite care programs.

(b) The division may consider proposals to operate community lifespan respite care programs from the following community based entities:

(1) A private nonprofit organization.

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(2) A for-profit organization.

(3) A public agency.

(c) The division shall designate and help fund an entity described in subsection (b) that the division approves to operate a community lifespan respite care program.

Sec. 5. The division shall hire and employ an administrator for the state community lifespan respite care program. The administrator shall carry out the duties of the state community lifespan respite care program.

Chapter 3. Community Lifespan Respite Care Program Requirements

Sec. 1. (a) A local community lifespan respite care program that is approved by the division under IC 12-10.5-2 must do the following:

(1) Involve local individuals and local agencies in the planning and development of the community lifespan respite care program.

(2) Create an advisory committee.

(b) The advisory committee created in subsection (a)(2) shall consist of fifteen (15) individuals. At least eight (8) of the committee members shall be family members or caretakers of an individual with special needs. The remaining committee members may be any of the following:

(1) A respite care provider.

(2) A representative of a community service agency that serves:

(A) the elderly;

(B) the disabled;

(C) individuals with special needs; or

(D) families at risk of abuse or neglect.

(3) A community representative.

(c) The advisory committee shall advise the program of the manner in which to best serve the needs of families and caretakers of individuals with special needs.

Sec. 2. A community lifespan respite care program must offer the following:

(1) Respite care options that are individualized to meet the specific demands of the individual with special needs.

(2) Services that meet the needs of a family or caretaker of an individual with special needs before a crisis situation exists.

(3) Services that consider the individual's:

(A) unique needs;

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- 1 (B) strengths; and
 2 (C) cultural values.
 3 (4) Services that offer the most efficient access to a range of
 4 respite care services that are built on existing community
 5 services.
 6 (5) Services that consider the community's resources,
 7 including the following:
 8 (A) Family or caretaker funds.
 9 (B) Private and volunteer resources.
 10 (C) Public funds.
 11 (D) Exchanges of care among families and caretakers.
 12 **Sec. 3. A community lifespan respite care program must publish**
 13 **the program's telephone number and address where families and**
 14 **caretakers may contact the program.**
 15 **SECTION 9. [EFFECTIVE JULY 1, 2002] (a) As used in this**
 16 **SECTION, "division" refers to the division of disability, aging, and**
 17 **rehabilitative services, established by IC 12-9-1-1.**
 18 **(b) Before December 31, 2002, the division shall determine the**
 19 **number of community lifespan respite care programs needed to**
 20 **serve the state.**
 21 **(c) Before December 31, 2003, the division shall establish the**
 22 **number of community lifespan respite care programs that the**
 23 **division determined was necessary under subsection (b).**
 24 **(d) Before July 1, 2005, the division shall ensure that individuals**
 25 **in every county have access to respite care through community**
 26 **respite care programs.**
 27 **(e) This SECTION expires December 31, 2005.**
 28 **SECTION 10. [EFFECTIVE JULY 1, 2002] (a) The office of the**
 29 **secretary of family and social services shall do the following for**
 30 **elderly and disabled citizens:**
 31 **(1) Coordinate and implement programs that seek to**
 32 **maximize self-care and independent living.**
 33 **(2) Provide services in a cost effective manner that allow**
 34 **independent living without requiring inappropriate or**
 35 **premature institutionalization.**
 36 **(3) Expand existing services and programs, including**
 37 **Medicaid waiver programs, that provide assisted living**
 38 **services.**
 39 **(b) This SECTION expires December 31, 2005.**

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